



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,891	06/21/2001	Kazuya Suzuki	33718	6118

116 7590 04/19/2005
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

HANEY, MATTHEW J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,891	Applicant(s) SUZUKI ET AL.	
	Examiner Matthew Haney	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed by the applicant.

Response to Amendment

1. Applicant's arguments filed December 6, 2004 have been fully considered but they are not persuasive. The Examiner notes that Applicant simply placed claim 3 within claim 1, both of which were already addressed in the previous office action. Therefore no new rejections were created. The applicant's argument that two controlling states are not present within Ratz (US 5,982,420) is rejected and the Examiner would like to point out Column 12, Lines 32-67 specifically. Ratz teaches of a manual override and an automatic control (where the crosshairs of the rectangular box can be locked onto a target within the display window).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ratz (US 5,982,420). Ratz teaches of a surveillance system comprising a camera unit for transforming an image into an image signal and outputting said image signal and a display unit having a screen and operative to transform into an image said image signal

outputted by said camera unit to display said image on said screen (Note: camera system generates a composite video signal containing image signals and has a display device, Column 1, Lines 66-67, Column 2, Lines 1-3); camera unit being operative to automatically chase an object as a chasing target to have said display unit display said object as said chasing target and a display unit including marker displaying means for displaying a marker on said screen and chasing target determining means for determining said object spaced apart from said marker at a predetermined distance as said chasing target among said images displayed on said screen (Note: camera system including an automatic tracking device; a reference box for confining and locating the information defining the preselected portion as it is being viewed on the display, Column 2, Lines 4-14); marker is constituted by a pointer and said chasing object target determining means is operative to determine said object superimposed by pointer (Column 2, Lines 15-18); a joystick operative to output position signals and signal controlling means for receiving signals outputted by joystick to control camera and joystick having ability to control two states and setting means for setting states (Column 12, Lines 32-43); marker forms a plurality of screen areas on said screen and said chasing target determining means is operative to determine said object positioned within one predetermined screen area on said screen (Column 13, Lines 28-35); marker displaying means is superimposed with object (Note: white lines on display screen along with rectangular box (i.e. marker), Column 12, Lines 4-17); chasing target determining means is operative to determine only one object as said chasing target to automatically be chased when said object is displayed on said screen (Column 12,

Lines 15-18), marker is made up of vertical and horizontal lines to form a plurality of areas (Note: crosshair defined by vertical and horizontal lines, running the length of the screen, Column 11, Lines 58-63, Column 12, Lines 4-14).

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Loveland (US 6,437,819 B1) is seen to be a relevant reference and reads on most of the claims contained within the application. Kageyama (US 5,552,823) teaches of an ability to track an object and display with mention of a joystick for control purposes. Monroe (US 6,392,692 B1) teaches of a tracking and surveillance system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is (571) 272-7330. The examiner can normally be reached on M-Th (5:30-3:00), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney
Examiner
Art Unit 2613

mjh


